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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,125	12/29/2000	Luke A. Johnson	INTL-0513-US (P10388)	8725

7590 03/10/2005  
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EXAMINER
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TRAN, KHAI

ART UNIT	PAPER NUMBER
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2637

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/752,125

Applicant(s)

JOHNSON, LUKE A.

Examiner

KHAI TRAN

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/08/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9, 10-13, 17-19, 21, 22-25 is/are rejected.
- 7) ☒ Claim(s) 7, 14-16, 18, 20 and 26-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment filed 10/08/2004 has been entered. Claims 29-30 have been canceled. Claims 1-28 are pending in this office action.

#### ***Specification***

2. The disclosure is objected to because of the following informalities:

Page 8, line 12, the numerical element "205" should be --210--.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-9, 10-13, 17-19, 21, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (U.S. Pat. 6,049,903) in view of Byrne et al (U.S. Pat. 6,487,672).

Regarding claim 1, Nishimura discloses an apparatus, comprising: a storage device to store data (Figure 3 showing an error correction circuit comprising an erroneous bit detecting circuit 100 for generating an error detect signal); a block to adjust the position of the data in the storage device (Figures 4 and 5 showing a shift register 400 for shifting the position of the data in the

storage device, col. 7, lines 3-39). Nishimura fails to disclose the sampling rate of the apparatus being different than the rate of the received data.

Byrne et al disclose an analog-to-digital converter (ADC 6 as shown in Fig. 1) for sampling the incoming signal at a sampling rate provided sampling clock 8 and outputting a digital signal consisting of a sequence of channel samples (col. 3, line 54 to col. 4, line 12) and an over-sampling condition is performed if detection of a difference between the sampling rate of the incoming signal and the sampling clock. It would have been obvious to one having ordinary skill in the art at the time the invention was made to detect the difference between the sampling rate of the incoming signal and the sampling clock as taught by Byrne et al into the teachings of Nishimura in order to compensate the oversampling condition.

Regarding claim 2, Nishimura discloses the block adjustment receiving a plurality of bits in response to sampling a portion of an incoming data (col. 6, line 65 to col. 7, line 6).

Regarding claim 3, Nishimura discloses a detector for detecting at least one sampling error (an error bit detector 100).

Regarding claim 4, Nishimura also discloses a counter (910) for providing a clock substantially synchronous with the data in response to detecting the at least one sampling error.

Regarding claims 5-6, Nishimura discloses the block comprising a sampling block to sample incoming data using a plurality of sampling clocks to provide a plurality of samples (a transmission rate clock signal and an operation

Art Unit: 2637

clock signal as shown in Fig. 5 for detecting a bit in error in the received signal, and the selector 700 is supplied with a data output rate clock signal and the transmission clock signal and selecting one of them for entry into the erroneous bit correcting circuit 800; col. 7, lines 40-67).

Regarding claims 8-9, Nishimura discloses that the block does not shift the data in response to detecting duplicate sampling values of incoming data (col. 6, lines 30-48).

Claim 10 is similar to claims 1, 3, 5. Therefore, claim 10 is rejected under similar rationale.

Claims 11-13 are similar to claims 4 and 9. Therefore, claims 11-13 are rejected under a similar rationale.

Claim 17 is similar to claim 5. Therefore, claim 17 is rejected under similar rationale.

Claim 18 is similar to claims 6. Therefore, claim 18 is rejected under similar rationale.

Claims 19 and 21 are similar to claims 1, 5, 9. Therefore, claim 19 is rejected under a similar rationale.

Claims 22-25 are similar to claims 1, 2, 3. Therefore, claims 22-23 are rejected under similar rationale.

***Allowable Subject Matter***

5. Claims 7, 14-16, 18, 20, 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-6, 8-9, 10-13, 17-19, 21, 22-25 have been considered but are moot in view of the new ground(s) of rejection.

The new ground rejection based on newly added limitations in the claims is illustrated in paragraph 4 above.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arimitsu (U.S. Pat. 6,693,955) discloses a portable terminal.

Naoe (U.S. Pat. 6,850,580) discloses a bit synchronizing circuit.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

Art Unit: 2637

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI TRAN whose telephone number is (703) 305-1876. The examiner can normally be reached on 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAY PATEL can be reached on (703) 308-7728. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2637

A handwritten signature in cursive script, appearing to read 'Khai Tran'.

KHAI TRAN  
Primary Examiner  
Art Unit 2637

**KT**  
**July 21, 2004**